

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
EASTERN DIVISION

NO. 4:17-CV-00098-FL

ANNIE BATTLE DYSON and AARON)
PURNELL DYSON, as power of attorney,)
)
Plaintiffs,)
)
v.)
)
PNC BANK, N.A.,)
)
Defendant.)

ORDER

This matter comes before the court for review of plaintiffs' *pro se* complaint pursuant to 28 U.S.C. § 1915(e). United States Magistrate Judge Kimberly A. Swank entered a memorandum and recommendation ("M&R"), pursuant to 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b), wherein she recommends that the court dismiss plaintiff Aaron Dyson's claims for lack of subject matter jurisdiction. The magistrate judge also recommends that the court dismiss plaintiff Annie Dyson's claims for failure to submit an application to proceed in forma pauperis, or alternatively failure to submit the required court costs. Plaintiffs have not filed objections to the M&R, and the time within which to make any objection has expired. In this posture, the matter is ripe for ruling.

Upon a careful review of the M&R, the court may "accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1). Because no objections have been filed, the court reviews the magistrate judge's findings and conclusions only for clear error, and need not give any explanation for adopting the M&R. Diamond

v. Colonial Life & Acc. Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005); Camby v. Davis, 718 F.2d 198, 200 (4th Cir. 1983).

Here, the magistrate judge recommends that plaintiff Aaron Dyson's claims be dismissed for lack of subject matter jurisdiction. The magistrate judge also recommends that plaintiff Annie Dyson's claims be dismissed for failure to submit an application to proceed in forma pauperis or, alternatively failure to submit the required court costs. Upon careful review of the M&R, the court finds the magistrate judge's analysis to be thorough, and there is no clear error. The court hereby ADOPTS the recommendation of the magistrate judge as its own, and, for the reasons stated therein, plaintiffs' complaint is DISMISSED. The clerk of court is directed to close the case.

SO ORDERED, this the 5th day of April, 2018.



LOUISE W. FLANAGAN
United States District Judge